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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/777,728 | 02/13/2004 | Timothy Patrick Jon Perry | 52493.000369 | 5605 |

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2161

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/16/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/777,728 | | PERRY ET AL. | |
| | Examiner | | Art Unit | |
| | CamLinh Nguyen | | 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/16/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to communication filed on 1/29/2007.
2. Applicant's amendments to claims 1 – 24 are acknowledged. Consequently, objection to the abstract is withdrawn; rejections to claims 21 – 22 under 35 U.S.C. 112, first paragraph and claims 23 – 24 under 35 U.S.C. 112, second paragraph are withdrawn. Claims 1 – 24 are currently pending in the application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 1/21/2004 is in compliance with the provisions of 37 CFR 1.97, 1.98, and MPEP §600. Accordingly, the information disclosure statement has been placed in the application file and is being considered by the examiner.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 21 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Claims 21 – 24 are directed to a computer program of instructions embodied on a tangible media. The term “tangible” does not appear to resolve the deficiency of claim 21

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- 22 by claiming a physical article or object. Therefore, claims 21 – 22 are directed to non-statutory subject matter. The Examiner suggests to replace the term “tangible” with “a storage media” in order to resolve the problem.

6. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammack et al (U.S. 6,449,624 B1) in view of Ito et al (U.S. 2004/0143791A1).

♦ As per claims 1, 11, 23,

Hammack discloses a method/system for storing data entered by a user in a remote relational database, the method comprising the steps of:

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- “Saving data as a plurality of software components at a server” corresponds to the data stored in configuration database 100 in Fig. 4 of Hammack (col. 8, lines 47 – 50 of Hammack). The server corresponds to the configuration database in Hammack.
- “Converting the plurality of software components into a first string and a second string wherein the first string comprises a markup language format that substantially mimics the software components and the second string comprises a serialized string format of the plurality of software components” corresponds to the process of converting the data from the first version to the second version in Hammack. In particular, Hammack teaches:
 - “A first string” corresponds to the string of characters in Fig. 14 of Hammack. Since the file is an XML file (col. 21, lines 40 – 41 of Hammack), the first string must comprise a markup language format that substantially mimics the software components.
 - “A second string” corresponds to the string that stored in the version control database (col. 21, lines 40 – 43 of Hammack).

Hammack teaches that the document is transmitted to the version control database. Therefore, the Hammack reference teaches the receiving server that stored the compressed string. Hammack does not clearly teaches:

- “Compressing the first string and the second string; transmitting the compressed first string and the compressed second string to a receiving server; and storing the compressed first string and the compressed second string in a relational database”

However, the compress technique is well known in the art to reduce the time consume. Ito discloses an example. Ito discloses a method and system for compress an XML code to a binary

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format. Ito teaches that the code is compressed and stored in storage (Fig. 3, paragraph 0019 of Ito).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Ito into the invention of Hammack because the combination would reduce the time consuming in transferring file in the network as suggest by Ito (paragraph 0003 of Ito).

♦ As per claims 2, 7, 12, 17, the combination of Hammack and Ito disclose:

- “Wherein the markup language format uses string concatenation” See Fig. 14 of Hammack.

♦ As per claims 3 - 4, 8 - 9, 13 - 14, 18 - 19, the combination of Hammack and Ito disclose:

- “Wherein the compressed first string and the compressed second string are stored in a document data table” and “wherein the compressed first string and the compressed second string are stored as a single record within the document data table” See col. 21, lines 43 - 57 of Hammack.

♦ As per claims 5, 10, 15, 20, the combination of Hammack and Ito disclose:

- “Wherein the compressed first string and the compressed second string are in binary format” See abstract of Ito.

♦ As per claims 6, 16, 24, the combination of Hammack and Ito disclose:

With all limitation as claimed in claim 1 further claims 6, 16, 24 include a method/system for retrieving data from a remote relational database. Ito discloses a method for compress and decompress XML document (Fig. 5 of Ito). Therefore, as a combination, Hammack and Ito

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disclose a method for storing and retrieving the compress data strings and displays it for the user (Fig. 2 – 4 of Hammack).

♦ As per claims 21 - 22, the combination of Hammack and Ito disclose:

- “At least one processor readable carrier for storing a computer program of instructions configured to be readable by at least one processor for instructing the at least one processor to execute a computer process for performing the method” See Fig. 1, col. 3, lines 48 – col. 4, lines 65 of Hammack.

Response to Arguments

9. Applicant's arguments filed 2/16/2007 have been fully considered but they are not persuasive.

♦ Applicant argues that the Action does not establish a prima facie case of obviousness to reject claims 1, 11, and 23. The Examiner respectfully disagrees.

- In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).
- Applicant defined “software component” in the disclosure as follow “ the entered data may be saved as a collection of software components” (paragraph 0021 of the disclosure).

- Hammack teaches a system for controlling a process in a computer readable medium (abstract). Data is stored in both version control database and configuration database (col. 8, lines 1 – 2). Therefore, either the data in the version control database or configuration database is considered as “software component” in the claim language. The database can be located anywhere (col.8, lines 1 – 14). This including the meaning of a server can be include these databases.
- Hammack teaches “saving data as a plurality of software components at a server” as storing data in both databases (or in a computer readable medium) and is located in a server computer.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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